



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5559

Introduced 01/27/06, by Rep. David R. Leitch

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7
325 ILCS 5/7.3

from Ch. 23, par. 2057
from Ch. 23, par. 2057.3

Amends the Abused and Neglected Child Reporting Act. Provides that reports of suspected child abuse or neglect made to the central register through the State-wide, toll-free telephone number shall be immediately transmitted to the appropriate local law enforcement agency. Provides that all oral reports made by the Department of Children and Family Services to local law enforcement personnel and the office of the State's Attorney of the involved county shall be confirmed in writing within 24 (instead of 48) hours of the oral report. Provides that the Department may adopt rules expressly allowing law enforcement personnel to investigate reports of suspected child abuse or neglect concurrently with the Department, without regard to whether the Department determines a report to be "indicated" or "unfounded" or deems a report to be "undetermined". Effective immediately.

LRB094 16477 DRJ 51737 b

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Sections 7 and 7.3 as follows:

6 (325 ILCS 5/7) (from Ch. 23, par. 2057)

7 Sec. 7. Time and manner of making reports. All reports of
8 suspected child abuse or neglect made under this Act shall be
9 made immediately by telephone to the central register
10 established under Section 7.7 on the single, State-wide,
11 toll-free telephone number established in Section 7.6, or in
12 person or by telephone through the nearest Department office.
13 The Department shall, in cooperation with school officials,
14 distribute appropriate materials in school buildings listing
15 the toll-free telephone number established in Section 7.6,
16 including methods of making a report under this Act. The
17 Department may, in cooperation with appropriate members of the
18 clergy, distribute appropriate materials in churches,
19 synagogues, temples, mosques, or other religious buildings
20 listing the toll-free telephone number established in Section
21 7.6, including methods of making a report under this Act.

22 Wherever the Statewide number is posted, there shall also
23 be posted the following notice:

24 "Any person who knowingly transmits a false report to the
25 Department commits the offense of disorderly conduct under
26 subsection (a)(7) of Section 26-1 of the Criminal Code of 1961.
27 A first violation of this subsection is a Class A misdemeanor,
28 punishable by a term of imprisonment for up to one year, or by
29 a fine not to exceed \$1,000, or by both such term and fine. A
30 second or subsequent violation is a Class 4 felony."

31 The report required by this Act shall include, if known,
32 the name and address of the child and his parents or other

1 persons having his custody; the child's age; the nature of the
2 child's condition including any evidence of previous injuries
3 or disabilities; and any other information that the person
4 filing the report believes might be helpful in establishing the
5 cause of such abuse or neglect and the identity of the person
6 believed to have caused such abuse or neglect. Reports made to
7 the central register through the State-wide, toll-free
8 telephone number shall be immediately transmitted to the
9 appropriate Child Protective Service Unit and to the
10 appropriate local law enforcement agency. The Department shall
11 within 24 hours orally notify local law enforcement personnel
12 and the office of the State's Attorney of the involved county
13 of the receipt of any report alleging the death of a child,
14 serious injury to a child including, but not limited to, brain
15 damage, skull fractures, subdural hematomas, and, internal
16 injuries, torture of a child, malnutrition of a child, and
17 sexual abuse to a child, including, but not limited to, sexual
18 intercourse, sexual exploitation, sexual molestation, and
19 sexually transmitted disease in a child age twelve and under.
20 All oral reports made by the Department to local law
21 enforcement personnel and the office of the State's Attorney of
22 the involved county shall be confirmed in writing within 24 ~~48~~
23 hours of the oral report. All reports by persons mandated to
24 report under this Act shall be confirmed in writing to the
25 appropriate Child Protective Service Unit, which may be on
26 forms supplied by the Department, within 48 hours of any
27 initial report.

28 Written confirmation reports from persons not required to
29 report by this Act may be made to the appropriate Child
30 Protective Service Unit. Written reports from persons required
31 by this Act to report shall be admissible in evidence in any
32 judicial proceeding relating to child abuse or neglect. Reports
33 involving known or suspected child abuse or neglect in public
34 or private residential agencies or institutions shall be made
35 and received in the same manner as all other reports made under
36 this Act.

1 (Source: P.A. 92-801, eff. 8-16-02.)

2 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

3 Sec. 7.3.

4 (a) The Department shall be the sole agency responsible for
5 receiving and investigating reports of child abuse or neglect
6 made under this Act, except where investigations by other
7 agencies may be required with respect to reports alleging the
8 death of a child, serious injury to a child or sexual abuse to
9 a child made pursuant to Sections 4.1 or 7 of this Act, and
10 except that the Department may delegate the performance of the
11 investigation to the Department of State Police, a law
12 enforcement agency and to those private social service agencies
13 which have been designated for this purpose by the Department
14 prior to July 1, 1980.

15 (b) Notwithstanding any other provision of this Act, the
16 Department may adopt rules expressly allowing law enforcement
17 personnel to investigate reports of suspected child abuse or
18 neglect concurrently with the Department, without regard to
19 whether the Department determines a report to be "indicated" or
20 "unfounded" or deems a report to be "undetermined".

21 (Source: P.A. 85-1440.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.